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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,629

10/29/2003

Oleg Logvinov

103880-037 US

7339

7590
James E. Reeber
Enikia LLC
948 US Highway 22
North Plainfield, NJ 07060

01/16/2008

EXAMINER

DUONG, CHRISTINE T

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

01/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No.		Applicant(s)	
	10/697,629		LOGVINOV ET AL.	
	Examiner		Art Unit	
	Krista M. Zele		2600	

All participants (applicant, applicant's representative, PTO personnel):

(1) Krista M. Zele, TC Quality Assurance Specialist.

(3)_____.

(2) Mr. Davy Zoneraich, atty of record.

(4)_____.

Date of Interview: 15 January 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: not applicable.

Identification of prior art discussed: not applicable.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


KRISTA ZELE
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:


The T-QAS contacted Mr. Zoneraich to discuss some concerns about the instant application. First, it was discussed that the request to withdraw as atty filed 6/16/05 has not been decided and therefore, the practitioners associated with Cust. # 23526 (as per OATH filed 9/9/04) are still attorneys of record. It was also discussed that while the 9/9/04 oath appointed the attorneys associated with Cust. # 23526, this oath is silent as to a correspondence address. It was then discussed that the transmittal letter at filing identified Mr. Reeber of North Plainfield, New Jersey as the correspondence address; and furthermore that a petition decision on a Rule 1.47 issue mailed 10/20/04 raised the issue on the record as to clarification of the proper correspondence address. The petition decision states that if a change of address is required it should be filed in accordance with MPEP 601.03. A review of the file then finds the request to w/d as atty filed 6/16/05 which does not provide any new power but does reiterate a correspondence address to Mr. Reeber of North Plainfield, New Jersey; however, it should again be noted that this request has not yet been decided by Office of Petitions.

Next it was discussed that a non-final Office action was mailed 5/18/07 to Mr. Reeber at the correspondence address of record, but was returned as undeliverable. The reason for the return is unclear and no further change in correspondence address has ever been filed. A further review of the file does find an amendment and response filed 11/15/07 by Mr. James Allen; however a review finds that Mr. Allen does not appear to have a registration number and therefore does not appear to have authority to prosecute the application. Therefore, in accordance with MPEP 714.01(a), this amendment/response cannot be entered.

After noting the return of the non-final Office action and the response filed by a person who is not authorized to prosecute the application, the examiner has made numerous attempts to ascertain what is the proper correspondence address and to determine who in fact should have power of attorney to continue the prosecution. Mr. Zoneraich was notified that this communication is to notify him (as current attorney of record) that the improperly signed response filed 11/15/07 has not been entered; and that in accordance with MPEP 714.01(a), applicant still has time to either file a duplicate amendment properly signed or to ratify the amendment already filed in order to avoid abandonment of the instant application. He was further advised that because the Notice of Non-Compliant mailed 1/4/08 gives applicant 30 days to make corrections to the record, this time period continues to run and correction must be timely filed in response to the Notice of Non-Compliant Amendment mailed 1/4/08.

Mr. Zoneraich indicated that he is still in communication with the first named inventor, Oleg Logvinov, in other matters and that he will contact him to discuss this matter. It was discussed that a revocation with new power can be filed to clarify the record in the matter of both power of attorney and correspondence address; and that a properly signed amendment/response is required in response to the Notice of Non-Compliant.

Mr. Zoneraich was also asked to please advise the inventor that it is improper for any party who is not authorized to practice before the Office to file an amendment or response and that if the inventor knows Mr. James Allen, he should also advise him accordingly. See also MPEP 701.01(a) and MPEP 402.



KRISTA ZELE
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

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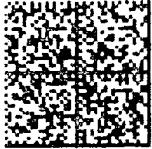
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